

TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE MEETING MINUTES
MAY 22, 2008

Mayor Tubbs called the regular meeting of the Township Committee of the Township of Chatham to order at 7:39 PM.

Adequate Notice of this meeting of the Township Committee was given as required by the Open Public Meetings Act as follows: Notice was given to both The Chatham Courier and the Morris County Daily Record on January 4, 2008; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 4, 2008; and notice was filed with the Township Clerk on January 4, 2008.

Mayor Tubbs led the flag salute.

Roll Call

Answering present to the roll call were Committeeman Gallop, Committeewoman Hagner, Deputy Mayor Brower and Mayor Tubbs. Committeeman O'Connor was absent.

Approval of Agenda

Committeeman Gallop moved to approve the agenda. Deputy Mayor Brower seconded the motion, and it carried unanimously.

Special Recognition

Chief Goeckel presented special awards to several police officers. She also presented a citizen recognition award. Mayor Tubbs presented a Meritorious Service Award and an Exceptional Duty Award to Chief Goeckel.

Proclamation

Mayor Tubbs read the attached proclamation proclaiming June 2008 as Myasthenia Gravis Awareness Month.

Reports

Committeewoman Hagner reported that the Recreation Committee has not yet been able to review the Mason Report. For the spring travel teams, it was decided to post the rosters on the Community Pass Website rather than report the tryout results through phone calls. Committeewoman Hagner also reported that she and John Pacelli were contacted by a Boy Scout regarding an Eagle Scout project, and he is going to be performing improvements on the existing walking path between the auxiliary parking lot and main parking lot at Shunpike Field. Regarding the televising of Township Committee meetings, Committeewoman Hagner reported that Administrator Ciccarone has reached out to one of the potential vendors, and they are supposed to provide a cost estimate. Furthermore, grant money was received from Comcast so that the Township can purchase the necessary equipment. Committeewoman Hagner also said that she contacted Fire Official Barry Howard regarding installation of a fire hydrant on Parkview. He contacted NJ American Water, and they are willing to install a new hydrant. Other possible locations were also reviewed. On June 16, 2008 Banisch Associates will be presenting the Bikeway Plan at the Planning Board meeting. Deputy Mayor Brower reported that the Local Assistance Board has three new clients. He added that there is a new trend of young people moving back into their parents' houses, and the parents are confronting their children's medical and substance abuse issues. Furthermore, there have not been any complaints regarding deer in some of the outer lying areas of the Township, which implies that part of the deer-culling program has been achieved. Committeeman Gallop reported that the Open Space Committee is going to review a couple properties. Mayor Tubbs reported that Colony Pool would be opening on Memorial Day Weekend. He also indicated that he met with Administrator Ciccarone and Auditor Vincent Montanino, and the audit report should be available at the next meeting. There were no major issues discovered during the audit. Furthermore, a rough draft is available for the 9-11 Memorial. Deputy Mayor Brower reported that people have brought

bicycles and skate boards onto the Colony Tennis Courts, which is a concern because the court surfaces are expensive. Mayor Tubbs reported that Engineer Ruschke has not yet heard back from the DEP regarding Shunpike Fields. Deputy Mayor Brower addressed recycling issues.

Hearing of Citizens/Petitions

Mayor Tubbs opened the Hearing of Citizens.

1. Ella Ackerman, Terrace Drive resident, said that she would be following up on some of the suggestions that Chief Goeckel made regarding second-hand smoke. She also asked if the Township Committee would consider passing an ordinance that would declare second-hand smoke as a nuisance. Ms. Ackerman said she would be sending information to Committeeman Gallop for distribution to the Board of Health. Mayor Tubbs said that Attorney Woodward would be researching this issue to see what options are available.

Seeing no further comment, Mayor Tubbs closed the Hearing of Citizens.

Consent Agenda

RESOLUTION 2008-110

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF CHATHAM APPOINTING GIACOMO GESUALDO TO
THE PUBLIC WORKS DEPARTMENT**

BE IT RESOLVED by the Township Committee of the Township of Chatham that Giacomo Gesualdo be, hereby, appointed to the Department of Public Works effective May 19, 2008. The terms and conditions shall be governed by the Teamsters contract.

RESOLUTION 2008-111

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF CHATHAM, ACKNOWLEDGING RECEIPT OF REPORTS AND MINUTES FROM
VARIOUS BOARDS AND COMMITTEES**

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following monthly reports of departments be acknowledged as received:

- Tax Collector – April
- Municipal Court – April
- Construction Official – April
- Animal Control – April
- Chatham Emergency Squad – April

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following minutes from various boards and committees be acknowledged as received:

- Chatham Joint Recreation Advisory Committee – April
- Open Space Advisory Committee – March

RESOLUTION 2008-112

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF CHATHAM APPROVING MINUTES OF MEETINGS**

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves the minutes of the Township Committee meeting held on May 8, 2008.

RESOLUTION 2008-113

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP

OF CHATHAM APPROVING EXECUTIVE SESSION MINUTES OF MEETINGS

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves Executive Session minutes of the Township Committee meeting held on May 8, 2008.

RESOLUTION 2008-114

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, REFUNDING OVERPAYMENT OF TAXES

WHEREAS, due to inadvertence, error, tax appeal settlement or judgement, an overpayment of property taxes has been made for the following property; and

WHEREAS, the Tax Collector has recommended the refund of such overpayment,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following refunds be made:

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER NAME & ADDRESS</u>	<u>AMOUNT</u>
35	18	America's Servicing Company Attn: Caleb, MAC X2302-045 1 Home Campus Des Moines, IA 50328 Re: 94 Lisa Drive	\$3,237.75

RESOLUTION 2008-115

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE 2008 BUDGET.

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have become available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Chatham has received \$13,274.38 from the State of New Jersey Clean Communities Program and wishes to amend its 2008 Budget to include these funds as a revenue,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham, County of Morris, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2008 in the sum of \$13,274.38 which is now available as a revenue from:

Miscellaneous Revenues – Section F: Special Items of General revenue – Public and Private Revenues Offset with Appropriations:

Clean Communities Program, and

BE IT FURTHER RESOLVED, that a like sum of \$13,274.38 be and the same is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:

Clean Communities Program.

BE IT FURTHER RESOLVED, that the Township Clerk forward a copy of this resolution to the Director of Local Government Services.

RESOLUTION 2008-116

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE 2008 BUDGET.

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have become available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Chatham has received \$38,500.00 from Comcast of Central New Jersey for establishment of a Governmental Access Channel and wishes to amend its 2008 Budget to include these funds as a revenue,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Chatham, County of Morris, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2008 in the sum of \$38,500.00 which is now available as a revenue from:

Miscellaneous Revenues – Section F: Special Items of General revenue – Public and Private Revenues Offset with Appropriations:

Grant for Cable Access Channel, and

BE IT FURTHER RESOLVED, that a like sum of \$38,500.00 be and the same is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:

Grant for Cable Access Channel.

BE IT FURTHER RESOLVED, that the Township Clerk forward a copy of this resolution to the Director of Local Government Services.

RESOLUTION 2008-117

TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, RELEASING DEVELOPER ESCROW ACCOUNT AND/OR PERFORMANCE BOND BALANCES

WHEREAS, developers are required to deposit monies with the Township for the purposes of offsetting Township professional costs to review plans or to inspect approved development and for the purpose of ensuring the satisfactory completion of public or private improvements; and

WHEREAS, these deposited monies, following all necessary withdrawals to cover Township expenses or costs, may be released upon satisfactory completion of work, receipt of review board decisions, or completion of guaranteed work, upon passage of a Township resolution authorizing such release.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following guarantee amount or account balances, with interest adjustments as prescribed by state and local laws, may be released to the depositor of record:

<u>NAME</u>	<u>A/C NUMBER</u>	<u>AMOUNT</u>
CVS Pharmacy c/o Ronald E. Lemieux One CVS Drive Woonsocket, RI 02895	7200038829	\$392.50

RESOLUTION 2008-118

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPOINTING DEPUTY RECORDS CUSTODIANS

WHEREAS, because the Open Public Records Act, N.J.S.A. 47:1A-1, et seq., has designated the Township Clerk as the custodian of all municipal records and has imposed additional obligations for responding to requests for such records, it has become necessary to appoint deputy records custodians to assist in complying with responses to records requests;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

1. The Administrative Lieutenant of the Police Department is hereby appointed as the deputy records custodian for Police Department records.
2. The Tax Collector is hereby appointed deputy records custodian for tax collection records.

3. The Technical Assistant to the Construction Official is hereby appointed deputy records custodian for construction and land use records.

4. The designated deputy records custodians shall report to the Township Clerk all requests for records and shall follow any instructions given by the Clerk regarding the handling of such records.

RESOLUTION 2008-119

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM TO AWARD CONTRACT FOR AN ENGINE II – PUMPER FOR THE CHATHAM TOWNSHIP VOLUNTEER FIRE DEPARTMENT

WHEREAS, the Township Committee of the Township of Chatham has received bids for an ENGINE II – PUMPER for the Chatham Township Volunteer Fire Department and,

WHEREAS, “Certification of Availability of Funds” is annexed hereto:

NOW, THEREFORE, BE IT RESOLVED by the Township Committee on this day, May 22, 2008 that:

- 1) Contract for an Engine II- Pumper for the Chatham Township Volunteer Fire Department be and is hereby awarded to:
Sutphen Corporation
7000 Cols-Marysville Road
PO Box 158
Amlin, Ohio 43002-0158
On their bid of \$496,877.30.
- 2) The exact title of the appropriation to be charged is: Ordinance 2007-08.
- 3) This Resolution shall take effect immediately.

RESOLUTION 2008-120

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS RECOMMENDING AWARD OF STATE AID PROJECT TO MORRIS COUNTY COOPERATIVE PRICING COUNCIL

BE IT RESOLVED that the Township Committee of the Township of Chatham, County of Morris, hereby recommends to the New Jersey Department of Transportation that the contract for Noe Avenue Paving Project in the Township of Chatham, County of Morris be awarded to Morris County Cooperative Pricing Council whose bid amounted to \$175,000.00 subject to the approval of the Department.

BE IT FURTHER RESOLVED that the presiding officer of this body be and is hereby directed to sign for and on its behalf the contract in the prescribed form for said construction.

Committeewoman Hagner asked about Resolution 2008-118. Township Clerk Joy Wiley explained that in 2006 a similar resolution was passed, and the prior resolution named the Land Use Administrator as one of the deputy records custodians. As that position no longer exists, the Technical Assistant to the Construction Official has been assigned this duty. Mayor Tubbs asked about the awarding of the contract for the purchase of the fire truck. A representative from the Chatham Township Fire Department explained that the old truck is going to be kept as a reserve. Mayor Tubbs said that if and when the truck is sold, he would like the revenue generated to be used to offset the cost of new equipment. Administrator Ciccarone said that there were representatives from the fire department at the bid opening, and Attorney Woodward has reviewed the bid to ensure that it is responsive to the legal requirements. Furthermore, the cost of the truck is below the amount budgeted. Mayor Tubbs voiced a concern over the fact that there was only one bidder for the fire truck.

Committeeman Gallop moved to adopt the Consent Agenda. Deputy Mayor Brower seconded the motion.

Roll Call: Committeeman Gallop, Aye; Committeeman O’Connor, Absent; Committeewoman Hagner, Aye; Deputy Mayor Brower, Aye; Mayor Tubbs, Aye.

Discussion

Urban County Qualification Process letter from County

Administrator Ciccarone explained that the Urban County Qualification Process deals with joint-application for Community Development Block Grant Program. As the Township of Chatham does not qualify for these grants, the Township can opt out of participating in the program. Mayor Tubbs asked about housing rehabilitation funds that could become available for low- to moderate-income families. Deputy Mayor Brower suggested that the funds were intended for infrastructure redevelopment in poorer municipalities. Mayor Tubbs pointed out that participation in the County's program would preclude the Township from participating in a State-run program. The Township Committee decided to renew participation in the program.

COAH Regulations

Mayor Tubbs said that the State has approved COAH's Third Round regulations, and the NJ League of Municipalities is planning to challenge the regulations and is seeking \$500 pledges of support for the challenge. He asked if the Township Committee is interested in making such a pledge.

Deputy Mayor Brower moved to pledge \$500 for the challenge of the Third Round COAH Regulations. Committeewoman Hagner seconded the motion.

Roll Call: Committeeman Gallop, Aye; Committeeman O'Connor, Absent; Committeewoman Hagner, Aye; Deputy Mayor Brower, Aye; Mayor Tubbs, Aye.

Tree Protection Ordinance

Committeewoman Hagner discussed some of the changes that the proposed tree protection ordinance would make. The Township Committee discussed circumstances in which a tree would be considered to be located on two adjacent lots, and whether or not property owners should be required to notify their neighbors when removing a tree. Tree replacement standards were also discussed. Administrator Ciccarone asked about the role of the arborist, and questioned whether or not the fee schedule would offset the costs of hiring an arborist. He also questioned the need for revisions to the tree protection ordinance. Mary Olmsted raised a concern that developers do not properly protect and replace trees. Deputy Mayor Brower spoke in favor of hiring an arborist. The fee schedule was further discussed. Mayor Tubbs suggested that the arborist only handle the more complex cases. He also suggested that the cost structure be further examined, and the rest of the proposals be left alone. Committeeman Gallop asked about the appeal process. Mayor Tubbs suggested that the arborist come to a Township Committee meeting and address some of the issues involved. Committeewoman Hagner asked about protecting trees along lot perimeters. Administrator Ciccarone advocated the rights of property owners to remove trees for the simple reason that they want to remove the tree. Mayor Tubbs suggested that after the arborist comes to speak to the Township Committee, that the proposed ordinance either be introduced or tabled indefinitely.

State Aid

Deputy Mayor Brower asked if Chatham Township would be getting back any of the State Aid that was lost. Administrator Ciccarone said that the Township would not.

9-11 Memorial

Engineer Ruschke reported that he had forwarded to Administrator Ciccarone a 9-11 Memorial concept. He is going to try to keep the cost below the bid threshold. Mayor Tubbs said that he would like for the Memorial to be finished by the end of the summer. He also explained that they are currently looking to have the memorial be a pondless fountain located near the gazebo at the Municipal Building.

Meeting Schedule

Mayor Tubbs proposed that the July meeting schedule be modified, and have only one meeting, to be held on July 17, 2008. The August meeting schedule will be discussed in June. Administrator Ciccarone added that the Township's administrative offices are operating on summer hours.

Hearing of Citizens/Petitions

Mayor Tubbs opened the Hearing of Citizens. Seeing none, Mayor Tubbs closed the Hearing of Citizens.

Deputy Mayor Brower moved to adjourn at 10:38 P.M. Committeeman Gallop seconded the motion and it carried unanimously.

Joy M. Wiley
Municipal Clerk